

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

v.

ODELL RAINEY,

Defendant.

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**DECISION AND ORDER**  
07-CR-237S

1. On April 9, 2008, this Court referred this matter to the Honorable Hugh B. Scott, United States Magistrate Judge, for all pretrial matters pursuant to 28 U.S.C. § 636(b)(1)(A). (Docket No. 12.)

2. On August 15, 2008, Judge Scott filed a Report and Recommendation (Docket No. 25) recommending that Defendant's Motion to Suppress Evidence (Docket No. 11) be denied.

3. Defendant has not filed any objection to this Report and Recommendation within ten days from its date of service in accordance with 28 U.S.C. § 636(b)(1)(C) and Local Rule 72.3(a)(3).

4. This Court has thoroughly reviewed Judge Scott's Report and Recommendation and the applicable law. Upon due consideration, this Court finds no legal or factual error in Judge Scott's Report and Recommendation and will accept Judge Scott's recommendation that Defendant's Motion to Suppress be denied.

IT HEREBY IS ORDERED, that this Court accepts Judge Scott's Report and Recommendation (Docket No. 25) in its entirety, including the authorities cited and the reasons given therein.

FURTHER, that Defendant's Motion to Suppress Evidence (Docket No. 11) is  
DENIED.

SO ORDERED.

Dated: November 18, 2008  
Buffalo, New York

/s/William M. Skretny  
WILLIAM M. SKRETNY  
United States District Judge